

987. Misbranding of Sani-Caps. U. S. v. 20 Boxes of Sani-Caps. Default decree of condemnation and destruction. (F. D. C. No. 9498. Sample No. 6634-F.)

On March 8, 1943, the United States attorney for the Southern District of Iowa filed a libel against 20 boxes of Sani-Caps at Davenport, Iowa, alleging that the article had been shipped in interstate commerce on or about November 12, 1942, from Rock Island, Ill., by Sani-Caps; and charging that it was misbranded.

Each carton of Sani-Caps contained a circular, 12 empty gelatin capsules, and a collapsible metal tube. Analysis of the contents of the tube showed that the article consisted essentially of glycerin and boric acid, with small amounts of an iodide and a silver compound.

The article was alleged to be misbranded in that the following statements appearing in its labeling: (Carton) "A Marvelous Treatment to preserve Health, Beauty, and Happiness. Instant Relief For Female Trouble," (circular) "Female troubles will be quickly relieved if the DIRECTIONS are followed. Fill a capsule and just before retiring insert into the vagina as far as possible. Allow the capsule to remain over night (advisable to wear napkin to prevent soiling of bed clothes); the next morning take a luke-warm water douche. If the ailment is serious, repeat during the day. In Most cases the first box shows results. If, in your case, Sani-Caps do not, don't get discouraged, as in cases of long standing it sometimes takes several boxes, but feel assured Sani-Caps will not fail. When your health and happiness has returned, don't forget this marvelous remedy, but adopt Sani-Caps for your personal hygiene. Use two or three capsules every week and your old troubles will never return. Sani-Caps are cheap insurance. To prevent INFECTION of disease use as above, giving the capsule time to thoroughly dissolve, 5 to 10 minutes. Afterwards use a douche if you desire," were false and misleading since such statements represented and suggested that the article was effective in the treatment and prevention of female troubles, whereas it was not so effective. It was alleged to be misbranded further in that its label failed to bear the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of its contents; and in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each active ingredient.

On April 14, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

988. Misbranding of Stero-Uteroids. U. S. v. 67 Cartons of Stero-Uteroids. Decree of destruction. (F. D. C. No. 9216. Sample Nos. 3548-F, 3549-F.)

On or about January 22, 1943, the United States attorney for the Western District of Missouri filed a libel against 67 cartons of Stero-Uteroids at Kansas City, Mo., which had been transported by the Ainsworth Specialty Co., alleging that the article had been manufactured by the Curts-Folse Laboratories, Kansas City, Kans., and transported to Kansas City, Mo., on or about August 21 and November 16, 1942; and charging that it was misbranded.

Analysis showed that the article consisted essentially of small proportions of zinc sulfate, plant material including alkaloid-bearing drugs, and a trace of iodine incorporated in a base of ichthammol and wool fat.

The article was alleged to be misbranded in that the statements "Stero-Uteroids * * * To be used only by or on the prescription of a physician," appearing in its labeling, were misleading since such statements represented and suggested that it was safe and appropriate for introduction into the uterus by, or as directed by, a physician, whereas it was not safe or appropriate for introduction into the uterus by a physician or any other person.

On April 2, 1943, the Ainsworth Specialty Co., Kansas City, Mo., claimant, having filed an answer to the libel, and later having withdrawn such answer and filed a confession of judgment with respect to the product, judgment was entered ordering that the product be destroyed and that the costs of the proceedings be assessed against the claimant.

989. Misbranding of Bio-Mineral. U. S. v. 76 Gross of Bio-Mineral. Decree of destruction. (F. D. C. No. 9270. Sample Nos. 3044-F, 3554-F.)

On or about February 18, 1943, the United States attorney for the Western District of Missouri filed a libel against 76 gross of Bio-Mineral at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about December 21 and 22, 1942, and January 2, 1943, from Detroit, Mich., by the Bio-Mineral Products Co.; and charging that it was misbranded.

Examination showed that the article consisted essentially of a water solution of ferric sulfate (approximately 3.4 grains per teaspoonful) and smaller amounts of aluminum sulfate, calcium sulfate, magnesium sulfate, and a phosphate.

The article was alleged to be misbranded (1) in that the statements, designs, and devices appearing in its labeling which represented and suggested that it was effective in the treatment of rheumatism, constipation, weak kidneys, ailments of the colon leading to serious complications, piles, colitis, and appendicitis; that it was effective in keeping the colon clean and healthy and in eliminating accumulated poisonous matter therefrom; and that it was a solution of life-giving minerals, were false and misleading since it was not so effective and was not a solution of life-giving minerals; (2) in that the designation "Bio-Mineral," appearing in its labeling, was false and misleading since the article was not a life-mineral; (3) in that the statement appearing on its label, "A Natural Mineral Aid To be taken as a supplement for Mineral Deficiency," was false and misleading since the article would not supply, when taken in accordance with the directions, any mineral with the exception of iron, which would serve in any substantial manner as a supplement for mineral deficiency; and (4) in that the statement of chemical composition appearing on its label was misleading in the absence of a statement of the material fact that of the various ingredients mentioned none, except ferric sulfate, was of any material significance when the article was consumed in accordance with the directions appearing on the label.

On April 16, 1943, no claimant having appeared, judgment was entered ordering that the product be destroyed.

990. Misbranding of Viteen. U. S. v. 2,369 Jars and 929 Jars of Viteen. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 8862. Sample Nos. 1937-F, 1947-F.)

Examination showed that the article consisted primarily of dried skimmed milk with smaller proportions of egg yolk, a sugar, cereal products, calcium and phosphorus compounds, and flavoring material. It contained 27.8 percent protein, 10.3 percent mineral ash, 2.4 percent calcium, and 1.54 percent phosphorus.

On November 17, 1942, the United States attorney for the Northern District of Illinois filed a libel against 2,369 jars, 8 ounce size, and 929 jars, 18-ounce size, of Viteen at Chicago, Ill., alleging that the article had been shipped in interstate commerce within the period from on or about August 15 to October 27, 1942, from Rochester, N. Y., by L. N. LeBold & Co.; and charging that it was misbranded.

It was alleged to be misbranded in that the statements, designs, and devices appearing in its labeling which represented and suggested that the article constituted a suitable dietary supplement for use in restricted and unbalanced diets of various types, and whenever disturbances were apt to occur due to nutritional deficiencies, and that the use of the article would result in the reduction of weight, were false and misleading since the article did not constitute a suitable dietary supplement for use in such conditions, and its use would not result in the reduction of weight. It was alleged to be misbranded further in that the following statements appearing in its labeling "Analysis Each 100 grams of Viteen * * * contains: * * * Proteins * * * 31.96 Mineral Ash 13.28 Calcium 3.19 Phosphorus 1.79" were false and misleading since each 100 grams of the article did not contain the represented amounts of the ingredients named.

It was also alleged to be misbranded under the provisions of law applicable to foods, as reported in the notices of judgment on foods.

On December 1, 1942, L. N. LeBold & Co., claimant, having admitted the facts set forth in the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

991. Misbranding of double strength yeast extract and iron compound. U. S. v. 230 Bottles of Double Strength Yeast Extract and Iron Compound. Default decree of condemnation and destruction. (F. D. C. No. 8342. Sample No. 1103-F.)

On September 11, 1942, the United States attorney for the Western District of Michigan filed a libel against 230 bottles, each containing 75 tablets, of the above-named product at Grand Rapids, Mich., alleging that the article had been shipped in interstate commerce on or about June 3, 1942, from New York, N. Y., by the Columbia Medical Laboratories; and charging that it was misbranded.

A chemical examination showed that the article consisted essentially of calcium carbonate and a small quantity of yeast or yeast extract and sugar, and contained, per tablet, 0.64 grain of iron and 0.0022 grain of strychnine. A biological examination showed that the article contained not more than 10 International Units of vitamin B₁ per tablet.